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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/823,431

04/13/2004

Leo M. Pedlow JR.

SNY-T5775.02

4023

24337 7590 03/22/2006

MILLER PATENT SERVICES
2500 DOCKERY LANE
RALEIGH, NC 27606

EXAMINER

HOMAYOUNMEHR, FARID

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/823,431

Applicant(s)

PEDLOW, LEO M.

Examiner

Farid Homayounmehr

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 4/13/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date multiple.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1-33 have been examined.

Information Disclosure Statement PTO-1449

1. The Information Disclosure Statements submitted by applicant on 01/27/2006, 10/28/2005, 07/29/2005, 06/03/2005, 03/15/2005, 11/03/2004, 04/13/2004 has been considered. Please see attached PTO-1449.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 12 recites the limitation " the first and second files" in the first paragraph.

There is insufficient antecedent basis for this limitation in the claim, as claim 12 is dependent on claim 11, and claim 11 does not include the word "file".

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2132

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 to 33 are rejected under 35 U.S.C. 102(b) as being anticipated by So (US Patent Application Publication No. 2002/0083438, dated 6/27/2002).

5.1. As per claim 1, 10 and 17, So is directed to a VOD method (paragraph 45), comprising: processing content by selecting first portions of the content for encryption under a selective encryption system and selecting second portions of the content to remain unencrypted (paragraph 106 discloses use of selective encryption); storing the first portions; storing second portions; receiving a request for delivery of the content (paragraph 58); determining if the request is from a terminal having decryption capabilities associated with a first decryption method or a second decryption method (paragraph 63, where the CAS system determines cryptographic parameters); if the request is from a terminal having decryption capabilities associated with the first decryption method, then: routing the first portions to a first encryption device; routing the second portions around the first encryption device; encrypting the first portions using a first encryption process at the first encryption device to produce encrypted first portions (paragraph 51, where the CPS encrypts the content according to CAS specifications); and assembling a stream of selectively encrypted content from the encrypted first portions and the second portions (paragraph 106, disclosing the selective encryption).

Art Unit: 2132

5.2. As per claim 2, So is directed to the VOD method according to claim 1, wherein the first portions are stored in a first file and the second portions are stored in a second file (paragraph 55 discloses storing the content in files of OLES).

5.3. As per claims 3, 12, So is directed to the VOD method according to claim 2, wherein the first and second files are stored in a VOD server (OLES is part of VOD server).

5.4. As per claims 4, 13, So is directed to the VOD method according to claim 1, further comprising streaming the selectively encrypted content to the terminal (paragraph 59).

5.5. As per claims 5, 14, So is directed to the VOD method according to claim 1, wherein the first decryption method comprises a legacy encryption method (per definition of "legacy" in paragraph 39 of applicant's disclosure, a legacy encryption method is an encryption method based on existing technology. So's encryption method's are based on existing technology).

5.6. As per claims 6 So is directed to the VOD method according to claim 1, wherein the assembled stream is passed through a second encryption device that is not provisioned to carry out encryption processing on the stream (according to paragraph 75, multiple encryption keys may be used to encrypt the content depending on

configuration. Therefore, multiple encryption devices are present that may not carry out encryption if not configured to do so).

5.7. As per claims 7, 11, So is directed to the VOD method according to claim 1, further comprising: if the request is from a terminal having decryption capabilities associated with the second decryption method, then: assembling a stream of content from the first portion and the second portion; routing the stream to a second encryption device; and encrypting the first portions using a second encryption process at the second encryption device to produce a selectively encrypted stream (according to paragraph 51, CPS encrypts content based on CAS specifications. Therefore, if the client is capable of performing second decryption method, the data will be encrypted accordingly).

5.8. As per claims 8, 15, So is directed to the VOD method according to claim 7, wherein the second decryption method comprises a non-legacy encryption method (paragraph 55 discloses use of the encryption record, which allows So's system to flexibly work with any encryption method, by negotiating encryption parameters with the client before encryption).

5.9. As per claims 9, 16. So is directed to the VOD method according to claim 1, carried out under control of a programmed processor (paragraph 59).

Art Unit: 2132

5.10. Claims 18 to 33 are disclosed by So as described by responses to claims 1 to 17.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farid Homayounmehr whose telephone number is 571 272 3739. The examiner can normally be reached on 9 hrs Mon-Fri, off Monday biweekly.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Farid Homayounmehr

Examiner


HOSUK SONG
PRIMARY EXAMINER

Application/Control Number: 10/823,431

Page 7

Art Unit: 2132

Art Unit: 2132